b.) Remarks

Claims 1-15 are pending in this application. Claims 1-4, and 6-13 have been amended in various particulars as indicated hereinabove. Claims 5 and 14-15 have been canceled.

Turning now to the merits, Claims 1 and 10 were rejected under 35 U.S.C. 112, second paragraph. Claims 3 and 12 were rejected under 35 U.S.C. 112, second paragraph. Claims 5 and 14 were rejected under 35 U.S.C. 112, second paragraph. Applicants believe that Claims 1 and 10 and Claims 3 and 12 as amended are now in compliance with 35 U.S.C. 112, second paragraph. Withdrawal of this rejection is respectfully requested.

Claims 1-15 were rejected under 35 U.S.C. 103(a) over Opsal et al. in view of Shchegrov. This rejection is respectfully traversed for the following reasons.

For an obviousness rejection to be proper, the Patent Office must meet the burden of establishing a prima facie case of obviousness. The Patent Office must meet the burden of establishing that all elements of the invention are disclosed in the cited publications, which must have a suggestion, teaching or motivation for one of ordinary skill in the art to modify a reference or combined references.[1] The cited publications should explicitly provide a reasonable expectation of success, determined from the position of one of ordinary skill in the art at the time the invention was made.[2]

Applicants respectfully assert that the combination of Opsal and Shchegrov does not disclose all elements of the invention as now claimed in amended Claims 1-4 and 6-13. For example, in Opsal the computing time is minimized by distributing the computation between a master processor and a plurality of slave processors. In the present invention, the reduction in computational time is accomplished by selecting

1 *In re Sang Su Lee, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).*
2 *In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970);*
Amgen v. Chugai Pharmaceuticals Co., 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996);

tabulated curve shape parameters of the acquired measured spectrum and comparing such curve shape parameters to the tabulated curve shape parameters of the calculated analysis spectrum. No such claim elements could be found in the patents cited by the Patent Office, nor could there be found a teaching or motivation to come up with such claim elements. Paragraph [0044] of the specification as published provides support for the referenced amended claim elements.

Therefore, Applicants believe that amended Claims 1-4 and 6-13 are in compliance with the requirements of 35 U.S.C. 103(a) and are patentable. Withdrawal of the rejection under 35 U.S.C. 103(a) and allowance of the referenced Claims is respectfully solicited.

With regard to the objection to the drawings (item 1 of the Office Action), Applicants respond as follows. The Office Action stated that "[T]he drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the methods as claimed must be shown or the feature(s) canceled from the claim(s)."

According to MPEP 608.02(d), the Patent Office must indicate the features that must be shown (or canceled from the claims). Instead, the Office Action states that the methods as claimed must be shown without indicating the features to show or to cancel. It is respectfully noted that the whole methods claimed in the application are the subject matter sought to be patented. It is unclear whether the Patent Office is requiring to illustrate or to cancel the whole method claims in their entirety, or only certain features from such claims. Applicants also believe that method Claims 1-4 and 6-9 as amended are described in the specification with the specificity necessary for the understanding of the subject matter to be patented.

Applicants believe that the present application is in condition for allowance. Should any questions arise, the Examiner is encouraged to contact the undersigned.

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